

Message Text

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ACTION DLOS-06

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EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

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C O N F I D E N T I A L USUN 3522

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE: COMMITTEE I DEBATE OF AUG 26-27

SUMMARY: DEBATE IN COMMITTEE I NEGOTIATING GROUP ON AUG 26 AND IN COMMITTEE PLENARY ON AUG 27 PRODUCED NO FORWARD MOVEMENT. G-77 CONTINUED TO EMPHASIZE NECESSITY OF ABSOLUTE CONTROL BY THE AUTHORITY OVER ACCESS TO AND CONDITIONS OF EXPLOITATION IN THE AREA. INDUSTRIALIZED STATES REITERATED NEED FOR GUARANTEED ACCESS BY STATES. END SUMMARY.

1. COMMITTEE I NEGOTIATING GROUP MET MORNING AND AFTERNOON OF AUG 26 TO DISCUSS CRITERIA AND CONDITIONS OF ACCESS TO THE AREA BY STATES AND THEIR ENTITIES (ANNEX I). MORNING SESSION WAS DEVOTED ALMOST ENTIRELY TO QUESTION OF HOW CRITERIA SHOULD BE ORGANIZED, I.E., DIFFERENTIATION BETWEEN PRECONDITIONS THAT APPLICANTS MUST MEET (FINANCIAL AND TECHNOLOGICAL CAPABILITY), ADDITIONAL GROUNDS UPON WHICH AUTHORITY
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COULD DENY TO CONCLUDE CONTRACT (PRODUCTION CONTROL, PREFERENCE

TO THE ENTERPRISE, LDC'S OR OTHER APPLICANTS, ETC.), AND COMMITMENTS WHICH CONTRACTOR MUST MAKE BEFORE CONTRACT COULD BE CONCLUDED (ASSISTANCE TO LDC'S, REVENUE SHARING, ENVIRONMENTAL CONTROLS, ETC.). TUNISIA CIRCULATED A DETAILED LIST OF SUGGESTED CONDITIONS WHICH IN EFFECT GIVES COMPLETE DISCRETION TO THE AUTHORITY OVER WHETHER AND ON WHAT TERMS IT WILL CONCLUDE A CONTRACT WITH AN APPLICANT. THIS POSITION WAS SUPPORTED BY A NUMBER OF OTHER G-77 MEMBERS. SENEGAL, HOWEVER, CONCEDED THAT THE CONCERNS OF THE INDUSTRIALIZED COUNTRIES ABOUT GIVING THE AUTHORITY COMPLETE DISCRETIONARY POWERS WERE PERHAPS JUSTIFIED AND SUGGESTED THAT THE CONDITIONS UPON WHICH THE AUTHORITY COULD REFUSE TO ENTER INTO A CONTRACT BE SPELLED OUT IN THE TEXT.

2. THE US (RATINER) AGREED THAT A DISTINCTION BETWEEN CRITERIA AND CONDITIONS MIGHT BE USEFUL, AND NOTED THAT THE US WAS WILLING TO AGREE TO AN INTERIM PRODUCTION CONTROL (ART.9) AS A BASIS UPON WHICH THE AUTHORITY COULD LIMIT ACCESS. RATINER EMPHASIZED HOWEVER THAT WE COULD ONLY AGREE TO ARTICLE 9 IF THE TOTAL PACKAGE IN CI WAS ACCEPTABLE. THE G-77 HAD INDICATED THAT IT REJECTED THE RSNT. IF THIS IS THE CASE, RATINER SAID, WE COULD NOT ACCEPT ANY VERSION OF A PRODUCTION LIMIT. RATINER EMPHASIZED THAT THE RSNT IS A PACKAGE AND ELEMENTS OF IT COULD NOT BE CONSIDERED IN ISOLATION. GHANA AND IRAQ RESPONDED THAT THE G-77 HAD NOT REJECTED ALL OF THE RSNT. RATHER IT HAD PROPOSED CHANGES WHICH WOULD ELIMINATE THE AUTOMATIC ACCESS SYSTEM AND GIVE THE AUTHORITY COMPLETE CONTROL OVER THE AREA.

3. THE EASTERN EUROPEAN STATES OBJECTED TO THE G-77 CHANGES IN THE CHAPEAU OF PARA 7 (C) OF ANNEX I WHICH IMPLIED THAT STATES WERE TO BE TREATED ON THE SAME BASIS AS PRIVATE COMPANIES. IN ADDITION POLAND PUT FORWARD "FOUR POSSIBLE CIRCUMSTANCES" BY WHICH THE AUTHORITY COULD REFUSE TO ENTER INTO CONTRACTS: (A) CONTRARY TO RESOURCES POLICY OF THE AUTHORITY; (B) CONTRARY TO THE AUTHORITY'S ENVIRONMENTAL POLICY; (C) GIVING PRIORITY TO THE ENTERPRISE, IF THIS PROVISION IS ACCEPTED; AND (D) CONFIDENTIAL

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CONFLICT WITH AN ANTI-MONOPOLY OR QUOTA PROVISION OF THE TREATY.

4. THE NEGOTIATING GROUP SESSION ENDED WITH AN HOUR LONG PROCEDURAL DEBATE ABOUT WHETHER THE CO-CHAIRMEN'S REPORT FROM THE WORK SHOP TO THE COMMITTEE WOULD REFLECT THE DEBATE IN THE NEGOTIATING GROUP. THE US SUGGESTION THAT THE REPORT INCLUDE ONLY PACKAGES OF AGREED ARTICLES AND

MAKE NO REFERENCE TO THE SUBSTANCE OF THE DISCUSSION WAS
FINALLY AGREED UPON.

5. ON AUG 27 THE COMMITTEE MET IN FORMAL ON THE THE RECORD
SESSION TO RECEIVE THE CO-CHAIRMAN'S REPORT. COMMITTEE
CHAIRMAN ENGO MADE A LONG ADDRESS DECRYING THE LACK OF
PROGRESS AND EXHORTING THE COMMITTEE TO GREATER EFFORTS.
AS HE WAS ABOUT TO GAVEL THE SESSION TO A CLOSE, PERU
INTERVENED TO COMPLAIN THAT ENGO HAD NOT MADE CLEAR THAT
THE GROUP OF 77 WAS IN NO WAY RESPONSIBLE FOR THE LACK
OF PROGRESS. THIS LED TO INTERVENTIONS BY IRAQ AND
TANZANIA ALONG THE SAME LINES. TANZANIA STATED THAT THE
G-77 POSITION WAS ACCEPTED BY THE OVERWHELMING MAJORITY OF
THE CONFERENCE AND REPRESENTED THE INTERESTS OF MANKIND
WHILE THE OTHER SIDE REPRESENTED THE INTERESTS OF ONLY A
FEW STATES AND MULTINATIONAL COMPANIES. TANZANIA SAID
THAT IF, DESPITE THE MANY CONCESSIONS MADE BY THE G-77,
ALL EFFORTS AT CONSENSUS HAD FAILED, PERHAPS THE
COMMITTEE SHOULD CONSIDER "OTHER PROCEDURAL STEPS"
(VOTING). THE US (ESKIN) AND THE NETHERLANDS INTERVENED
TO NOTE THE MANY CONCESSIONS THAT THE INDUSTRIALIZED
STATES HAD MADE OVER THE YEARS, AND TO EMPHASIZE THAT A
STERILE DEBATE ON WHO WAS TO BLAME WAS NOT CONTRIBUTING
TO THE SOLUTION OF THE PROBLEMS BEFORE US. THE SOVIETS
IN TURN NOTED THE FLEXIBILITY THEY HAD DEMONSTRATED
BUT EMPHAXVPY ZED THAT GUARANTEED ACCESS BY STATES WAS AN
ESSENTIAL ELEMENT IN ANY TREATY.

-6. COMMENT: G-77 COMMENTS AT THE FORMAL MEETING ON AUG. 27
WERE DESIGNED FOR THE BENEFIT OF THE WRITTEN RECORD AND FOR
THE U.S. PRESS. BOTH PERU AND TANZANIA MADE REFERENCE TO
THE "DISTORTED" PICTURE OF THE CONFERENCE BEING CONVEYED
BY THE PRESS AND EMPHASIZED THEIR INTENT TO CORRECT THIS
RECORD. END COMMENT.

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